

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FREDERIC W. BERTHOFF,)
Petitioner,)
)
v.) Civil Action No. 04-10170-WGY
)
)
UNITED STATES OF AMERICA,)
Respondent.)

Government's Motion for Four Day Extension of Time

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, pursuant to Federal Rule of Civil Procedure 6(b), respectfully requests that the Court extend the time for the government to respond to Frederic Berthoff's second habeas corpus petition for four days.

In support of this motion, the government states as follows:

1. The government's response to Frederic Berthoff's second habeas corpus petition, which was filed pursuant to 28 U.S.C. § 2255, is due today, March 29, 2004.

2. The Assistant U.S. Attorney responsible for the Berthoff case has been working on the government's response but has not completed it.

3. Mr. Berthoff's criminal case is over ten year's old. Appeals of his conviction and this Court's denial of his previous 2255 petition were denied by the First Circuit. Mr. Berthoff's current 2255 petition is lengthy and raises additional issues to

which the government must respond. The extra time being sought for the government to respond to the petition will not prejudice Mr. Berthoff.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

March 29, 2004

I hereby certify that I have served a copy of the foregoing by mail on Martin D. Boudreau, 487 Adams Street, Milton, MA, 02186.

/s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney